

## REMARKS

In the Office action mailed May 5, 2005 ("Office Action"), the examiner rejected claims 1-16. This reply amends claims 1, 12, and 13 and adds claim 17. Thus, claims 1-17 are pending and under consideration.

### I. Response to § 103 rejections

The examiner rejected claims 1-16 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,895,450 ("Sloo") in view of U.S. Patent No. 6,330,551 ("Burchetta") and further in view of U.S. Patent No. 6,236,980 ("Reese"). These rejections are respectfully traversed.

#### A. Claims 1-13

Claims 1-11 are patentable at least because Sloo, Burchett, and Reese, taken individually or in combination, do not teach or suggest all the elements of the claims.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.

M.P.E.P. § 2143.03.

Claims 1, 12, and 13 recite forming requesting conditions that include "a plurality of conditional items." Further, the claims recite forming requesting conditions by "analyzing an abstract mediating request from the requester." The claims also comprise conditional items that include "conditional items formed from an inquiry to the requester, conditional items automatically formed from requester information, and conditional items calculated from values of already established request conditional items." Sloo discloses a system for reporting complaints. Burchett discloses a system for automatically resolving disputes. Reese discloses a system for recommending securities. None of these references, taken individually or in combination, teach anything comparable to the features cited above.

Claims 2-11 depend upon claim 1. Thus, claims 2-11 are patentable for at least the same reasons claim 1 is patentable.

#### B. Claims 14-16

Claims 14-16 are patentable for at least the following reasons. First, the claims recite "a bid price of a competitor." None of the prior art cited by the examiner discloses anything comparable to this feature. Regarding Sloo, the examiner admits that Sloo does not disclose this feature on page 5 of the Office Action.

Regarding Burchetta, contrary to the examiner's assertions, Burchetta does not teach

having "a bid price of a competitor." Burchett's teaches a system for settling disputes between only two parties. The first party is a complainant. The second party is a defendant or someone representing the defendant such as an insurer, a claims adjuster, an attorney for an insurer, etc.

Regardless of who works for the defendant, the defendant and its representative act as a single party and submit offers in unison. Thus, Burchetta teaches nothing comparable to a "competitor."

Furthermore, not only does Burchett not teach having "a bid price of a competitor," but Burchett teaches away from this feature. Specifically, the system of Burchetta has security features that prevent third parties from participating in the negotiation process. See column 6, lines 30-34 ("the major areas of the Website include a login area for sponsors or their representatives, a login area for claimants or attorneys for claimants, and a login area for administration personnel who oversee the system"). Other than the complainant and the defendant, only administration personnel can view the negotiation. The administration personnel operate the resolution system and do not participate in the negotiation. Thus, the administration personnel can not be considered a "competitor."

Second, claims 14-16 recite information "arranged in accordance with the priorities of request contents." The examiner admits that Sloo does not teach this feature, however the examiner asserts the feature is taught by Reese in figures 6 and 16. Contrary to the examiner's assertion, figures 6 and 16 and their corresponding textual descriptions do not disclose this feature. These figures relate to a report generated in response to a user request. The arrangement of the information in the report has no relation to the contents of the users request. Instead, the report generator determines the arrangement without considering the user request. Note particularly column 18, lines 19-29 ("[i]t is organized in such a way that the information requested by the user is easy to read and is useful in helping make an investment decision"). Based on this text, the system of Reese arranges the report not based on a user request, but instead based on what the report generator thinks is "easy to read." No other portions of Reese teach or suggest this feature. Further, Burchett does not teach anything that suggests modifying Sloo to include this missing feature.

Third, claims 14-16 recite having "responders." None of the references relied upon by the examiner teach or suggest this feature. As previously explained, Sloo and Reese teach systems restricted to only two parties. Thus, these systems do not allow for multiple responders. Regarding Reese, when a user submits a request for a stock recommendation, the user receives a report from a single responder. Although the report is generated based on data from

multiple sources, only a single responder generates the report and provides it to the user. As none of these references teach having multiple responders, the references, when viewed individually or in combination, do not teach or suggest all the features of claims 14-16.

Fourth, the examiner fails to articulate a proper motivation for applying the teachings of Reese to the system of Sloo. According to the examiner, combining Sloo and Reese would "improve the percentage of negations that are settled." This statement is false because there is no evidence that the teachings of Reese would improve the system of Sloo. Reese teaches methods for providing stock recommendations. As Reese is completely unrelated to settling disputes, there is no reason to believe that the teachings of Reese would improve the settlement systems of either Sloo or Burchett. It appears that the examiner's reasons to combine are based purely on the contents of the applicant's disclosure and do not come from the prior art or knowledge generally available to one of ordinary skill in the art.

## II. New claim 17

This reply adds claim 17. The claim is patentable at least because the prior art does not teach or suggest all of its limitations.

## III. Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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